

§ 1915(e)(2)(B)(i) and (ii). As a *pro se* litigant, Plaintiff's pleadings are accorded liberal construction and held to a less stringent standard than formal pleadings drafted by lawyers. *See Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (per curiam). Even under this less stringent standard, the *pro se* complaint is subject to summary dismissal. The requirement of liberal construction does not mean that the court can ignore a clear failure in the pleading to allege facts which set forth a claim cognizable in a federal district court. *Weller v. Dep't of Social Services*, 901 F.2d 387, 391 (4th Cir. 1990).

II. Discussion

The J. Reuben Long Detention Center is a group of buildings or a facility. Inanimate objects such as buildings, facilities, and grounds do not act under color of state law. Hence, the J. Reuben Long Detention Center is not a "person" subject to suit under 42 U.S.C. § 1983. *See Thomas v. Anderson City Jail*, No. 6:10-3270-RMG-KFM, 2011 WL 442053 (D.S.C. Jan. 19, 2011) (holding that Anderson City Jail is a building and is not subject to suit); *Jones v. Lexington County Detention Center*, 586 F.Supp.2d 444, 451 (D.S.C. 2008) (finding that Lexington County Detention Center is a physical institution that is not subject to liability under § 1983).

Plaintiff is not entitled to relief for mental stress and embarrassment from having been seen naked. *See* 42 U.S.C. § 1997e(e); *Lynch v. Falsely*, C/A No. 3:09-81-CMC-JRM2009 WL 398073 *3 (D.S.C. Feb. 17, 2009) (finding that there is no constitutional right to be free from emotional distress, and, hence, there is no liability under § 1983 regarding the plaintiff's claim for embarrassment). Moreover this court has held that the

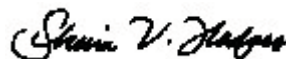
occasional viewing of a naked male prisoner by a female correctional officer is not a constitutional violation of the prisoner's right to privacy. *Roberts v. Ozmint*, C/A No. 6:05-2324-MBS-WMC, 2006 WL 2303183 (D.S.C. Aug. 8, 2006) (finding that a male plaintiff's constitutional rights were not violated because he was observed by female correctional officers while naked and while using the toilet), *affirmed*, No. 06-7465, 213 Fed.Appx. 190, 2007 WL 136690 (4th Cir. Jan. 18, 2007).

Finally, this court cannot render the relief Plaintiff seeks in requesting that Officer Gage be fired. *See Maxton v. Johnson*, 488 F. Supp. 1030, 1032 n. 2 (D.S.C. 1980) (a federal district court lacks inherent power to hire, remove, or reassign officials not within the executive control of that federal district court).

III. Recommendation

Accordingly, it is recommended that the District Court dismiss the above-captioned case without prejudice and without issuance and service of process.

IT IS SO RECOMMENDED.



March 15, 2011
Florence, South Carolina

Shiva V. Hodges
United States Magistrate Judge